

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAMUEL DAVIS,

Plaintiff,

07 Civ. 6592 (JGK)

- against -

ORDER

CORRECTION OFFICER RHOOMES, et al.,

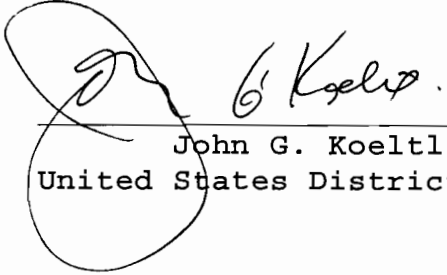
Defendant(s).

JOHN G. KOELTL, District Judge:

The Court has received the attached letter from the plaintiff. The plaintiff should not submit any documents to the Court without sending a copy to the attorney for the defendants. The defendants should address the specific charges made by the plaintiff in this letter in their next response which is scheduled to be submitted by **November 23, 2007**.

SO ORDERED.

Dated: New York, New York
October 31, 2007



John G. Koeltl
United States District Judge

USDC SDNY
DOCUMENT
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DATE FILED: 11/1/07

92-A-2437
 Box 1245
 Beacon, NY 12508
 October 29, 2007

Honorable John G. Koeltl,
 United States District Court Judge,
 Southern District of New York
 United States Courthouse
 500 Pearl Street
 New York, New York 10007

OCT 31 2007

Re: DAVIS v. Rhoades, et al.,
 07-CV-6592 (JGK)

Dear Judge Koeltl:

I AM writing to you regarding MY letters to you dated October 11, 2007 AND October 18, 2007, respectively, AND MY CLAIMS THAT I AM BEING HARASSED AND RETALIATED AGAINST BY SOME OF THE DEFENDANTS IN THIS CASE, AND THAT THE MISBEHAVIOR REPORT WAS ISSUED AGAINST ME NOT BECAUSE OF THE WORKS AS ALLEGED, BUT, RATHER, IN RETALIATION FOR FILING THE 1983 CIVIL RIGHTS LAWSUIT AS EVIDENCE IN THIS MATTER CLEARLY DEMONSTRATES.

TO SUPPORT these claims I recently discover that Lt. FALISIKI, A DEFENDANT IN THIS CASE, WAS THE ONE WHO ADDED THE WEAPON CHARGE TO THE MISBEHAVIOR REPORT ON October 9, 2007, rather than the officer who wrote the misbehavior report ^{ON} October 5, 2007, which occurred ^{3 1/2} ^{DAYS} AFTER the misbehavior was written. AND IN DOING SO UPGRADED THE MISBEHAVIOR REPORT FROM A TIER II DISCIPLINARY PROCEEDING TO A TIER III SUBSTANTIAL PROCEEDING.

To Further Support this claim I have in my possession a document showing that defendant FALISKI reviewed the Misbehavior Report on October 9, 2007, which was the same day the WEAPON CHARGE was added and by defendant FALISKI changing the Misbehavior Report's Not only represents a Conflict of Interests but also violated Directive 4932, Subpart 251.3(1)(b) A well which states in relevant part that:

"The Misbehavior Report shall be (written) made by the employee who (witness) has observed the incident or who ascertained the facts of the incident."

What could Lt. FALISKI have observed to WARRANT adding a weapon charge to the Misbehavior Report when the officer who wrote the Misbehavior Reports did not?

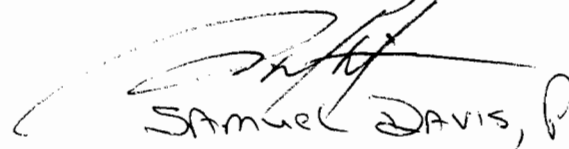
As I stated in my previously letter, the defendants in this lawsuit that were still at Mid-Orange Correctional Facility was served with a copy ^{of} the summons and complaints by Orange County Sheriff Department on October 2, 2007, and I began to be harassed and retaliated against on October 5, 2007. Followed by the Fraudulent Act committed by defendant ^{FALISKI} in adding a charge to the Misbehavior Report over the signatures of the officer who wrote and the officer's who co-sign the Misbehavior Reports, but, who, did not see fit to add such charge thereof.

As I also stated, Lt. FALISKI, as a defendant in this lawsuit, involvement in absconding this Misbehavior Report, in anyway, constitute a Conflict of Interests, which he knew and should have known that he should not have

been involved but attempted to conceal his involvement by using the officers who wrote and co-signed the Misbehavior Report as a cover.

I, therefore, urge this Court to look into this matter because of the settle matter in which the defendants are going about seeking retribution against me for filing the lawsuit, which is evident from defendant Salisli's fraudulent conduct that they are ~~also~~ afraid trying to punish me for having exercise my constitutional rights.

Respectfully Submitted,


SAMUEL DAVIS, Pro se

Dated: Bernal, New York
October 29, 2007